

Original amendment submission date	Date of final publication	Citation/description
November 29, 1995 ..	August 6, 1996	W.S. 35-11-103(e)(xxviii), (xxix), (xxx); 35-11-402(b), (c); Ch I, §2(ac), (ax), (bc)(iii), (viii), (xi), (v), (w); Ch. II, §2(a)(vi)(G)(II), (b)(iv)(C); Ch IV, §2(d)(x)(E)(I), (II), (III), appendix A; Ch X, §4(e); Ch XI, §5(a); Ch. XIII, §1(a).
April 18, 1996	August 27, 1996	W.S. 35-11-426(a), (b); 35-11-431(a)(vi).

[62 FR 9958, Mar. 5, 1997]

§ 950.16 Required program amendments.

Pursuant to 30 CFR 732.17 Wyoming is required to submit for OSMRE's approval the following proposed program amendments by the dates specified.

(a) By September 24, 1990, Wyoming shall submit a revision to its permanent program rules at chapter XI, section 3(b) or otherwise propose to amend its program to give persons adversely affected by the disapproval of an exploration license the same opportunity for administrative and judicial review afforded persons adversely affected by an approval.

(b) By September 24, 1990, Wyoming shall submit a revision to its permanent program rules at chapter II, section 3(a)(vi)(A) or otherwise propose to amend its program to require that the geologic description required in permit applications for surface and underground coal mining operations include the areal and structural geology of the permit and adjacent areas, and other parameters which influence the required reclamation and the occurrence, availability, movement, quantity, and quality of potentially impacted surface and ground waters.

(c) By September 24, 1990, Wyoming shall submit a revision to its permanent program rules at chapter II, section 3(a)(vi)(C)(II) or otherwise propose to amend its program to require that the maps and cross-sections required in permit applications for surface and underground coal mining operations show the strike and dip of the coal seam to be mined within the proposed permit area.

(d) By September 24, 1990, Wyoming shall submit a revision to its permanent program rules at chapter IV, section 3(i) or otherwise propose to amend its program to require a quarterly ground water monitoring for surface and underground coal mining operations.

(e) By September 24, 1990, Wyoming shall submit a revision to its permanent program rules at chapter IV, section 3(u) or otherwise propose to amend its program to give the State the authority to require additional preventive, remedial, or monitoring measures to assure that material damage to the hydrologic balance outside the permit area is prevented with regard to both surface and underground coal mining operations.

(f) By June 30, 1987, Wyoming shall submit rules requiring the name, address, and telephone number of the operator if different from the applicant, or otherwise propose to amend its program in a manner no less effective than 30 CFR 778.13(b).

(g) By September 24, 1990, Wyoming shall submit a revision to its permanent program rules at chapter XIII, section 1(a)(v)(C) to reinstate the word "any" in front of the phrase "places included in the National Register of Historic Places."

(h) By June 30, 1987, Wyoming shall submit revisions of the LQD rules at Chapter II section 3(a)(vi)(J)(II) or otherwise propose to amend its program to provide that the groundwater quality description in a permit application must include pH.

(i) By June 30, 1987, Wyoming shall submit revisions to the LQD rules at Chapter II section 3(b)(ix)(D) or otherwise propose to amend its program to specify the minimum groundwater quality parameters that must be monitored.

(j) By September 24, 1990, Wyoming shall submit a revision to its permanent program rules at chapter XIV, section 1(a) or otherwise propose to amend its program to include a reference to chapter XIV, section 1(d) in section 1(a); correct the cross reference in chapter XIV, section 3(a) to read section 1(d) rather than 1(b); and include underground coal mining permits in its

exception to alternative methods of permit revision.

(k) By June 30, 1987, Wyoming shall submit revisions to Part II.C.1.a of Appendix A of the LQD rules or otherwise propose to amend its program to include some other mechanism to check or confirm ocular quadrat estimates of ground cover to ensure the collection of consistent, objective data.

(l) By June 30, 1987, Wyoming shall submit revisions to Appendix A of the LQD rules or otherwise propose to amend its program to specify the sampling techniques which operators will be allowed to use to evaluate the parameters of ground cover, production and stocking.

(m) By June 30, 1987, Wyoming shall submit revisions to Part VIII.D of Appendix A of the LQD rules or otherwise propose to amend its program to clarify that operators must meet cropland success standards during at least the last two consecutive crop years of the responsibility period.

(n) By June 30, 1987, Wyoming shall submit revisions to the LQD rules at Chapter IV, section 3(a)(iv)(C) or otherwise propose to amend its program to require that, prior to placement of spoil outside the mined-out area, (1) all vegetative and organic material be removed from the area, (2) the topsoil on the area be removed, segregated, and stored or redistributed, and (3) the spoil be backfilled and graded in accordance with permanent program performance standards.

(o) [Reserved]

(p) By September 8, 1992, Wyoming shall submit a proposed revision to chapter II, section 3(b)(iv)(A) of the Rules and Regulations of the Land Quality Division of the Department of Environmental Quality, or otherwise propose to amend its program, to specify that, when fish and wildlife enhancement measures are not included in a proposed permit application, the applicant must provide a statement explaining why such measures are not practicable. In addition, this rule must be revised to clarify that fish and wildlife enhancement measures are not limited to revegetation efforts.

(q) [Reserved]

(r) By December 28, 1992, Wyoming shall submit revisions to the LQD Rule

at Chapter II, Section 3(a)(v)(A)(II), to either reinstate the removed cited reference "disposal of non-coal wastes shall be in accordance with the standards set out in Section 11, paragraph c., Solid Waste Management Rules and Regulations (1980)" or otherwise amend its program to render it no less effective than the Federal regulations at 30 CFR 816.89 and 817.89.

(s) By December 28, 1992, Wyoming shall submit revisions to the LQD Rules at Chapter II, Section 3(b)(xxii) and Chapter IV, Section 3(c)(iii)(D), to include specific performance standards for non-coal waste disposal that are no less effective than the Federal regulations at 30 CFR 816.89 and 817.89.

(t) By December 28, 1992, Wyoming shall submit revisions to the LQD Rules at Chapter II, Section 2(b)(iii)(I); Chapter II, Section 3(b)(xxi); Chapter IV, Section 2(c)(v); and Chapter IV, Section 3(c)(iii)(C), to provide standards for non-coal waste disposal that are no less effective than the Federal regulation requirements at 30 CFR 816.89 and 817.89.

(u) By December 28, 1992, Wyoming shall submit revisions to the LQD Rules at Chapter II, Section 3(a)(vi)(M), to amend its regulations regarding procedures, including notice and opportunity to be heard for persons seeking disclosure, to ensure confidentiality of qualified information, which shall be clearly identified by the applicant and submitted separately from the remainder of the application, to be no less effective than the Federal regulations 30 CFR 773.13(d)(3).

(v) By December 28, 1992, Wyoming shall submit revisions to the LQD Rules at Chapter IV, Section 3(b)(vii), concerning topsoil substitutes, to be no less effective than the Federal regulations at 30 CFR 780.18(b)(4), 784.13(b)(4), 816.22(b) and 817.22(b).

(w) By December 28, 1992, Wyoming shall submit revisions to the LQD Rules at Chapter XI, Section 2(b)(iv), to further amend its rule to include the requirement "any other information which the regulatory authority may require on known and unknown historic or archaeological resources", to be no less effective than the Federal regulation requirements at 30 CFR 772.12(b)(8)(iv).

(x) By December 28, 1992, Wyoming shall submit revisions to the LQD Rules at Chapter XIII, Section 1(a)(iv), to include findings for properties listed on the National Register of Historic Places, to be no less effective than the Federal regulation requirements at 30 CFR 773.15(c)(11).

(y) By December 28, 1992, Wyoming shall submit revisions to the LQD Rules at Chapter XIII, Section 1(b), concerning permit renewals, to remove the provisions at (iii) or amend it and related rules to be no less effective than the Federal rule requirements at 30 CFR 774.15(c)(1).

(z) By December 28, 1992, Wyoming shall submit revisions to the LQD Rules at Chapter XIV, Section 1(b) to remove the statement “[i]f promptly filed, and unless notified by the Administrator to delay, the operator may initiate the proposed change within 72 hours of filing” in this rule.

(aa)–(hh) [Reserved]

(ii) By May 30, 1997, Wyoming shall

(1) Revise the rules at chapter II, section 2(b)(iv)(C), and chapter IV, section 2(d)(x)(E)(III), to be consistent with the statute at W.S. 35-11-402(b)(ii) by requiring Wyoming Game and Fish Department approval of revegetation standards for grazingland that was designated by the Wyoming Game and Fish Department as crucial habitat prior to submittal of the initial permit application or any subsequent amendments to the permit application; or revise the statute at W.S. 35-11-402(b)(ii) to be consistent with the rules at chapter II, section 2(b)(iv)(C), and chapter IV, section 2(d)(x)(E)(III) by deleting the phrase “prior to submittal of the initial permit application or any subsequent amendments to the permit application;” and

(2) Revise the rules at chapter II, section 2(b)(iv)(C), and chapter IV, section 2(d)(x)(E)(III), to require consultation with and approval by the Wyoming Game and Fish Department of tree and shrub standards for all lands to be reclaimed for the “fish and wildlife habitat” land use.

(jj) By May 30, 1997, Wyoming shall revise the definition for “treated grazingland” at chapter I, section 2(bc)(xi), otherwise revise its rules, or provide OSM with a policy statement,

clarifying the shrub standard for grazingland that is affected after the date of OSM’s approval and that was treated less than 5 years prior to the submission of the permit application.

(kk) By May 30, 1997, Wyoming shall revise the rule at chapter II, section 2(a)(vi)(G)(II), or otherwise modify its program, to require consultation with the U.S. Fish and Wildlife Service on critical habitat.

(ll) By May 30, 1997, Wyoming shall revise the rule at chapter X, section 4(e), or otherwise modify its program, to prohibit the disturbance of important habitat by coal exploration operations.

[51 FR 10832, Mar. 31, 1986, as amended at 51 FR 42219, Nov. 24, 1986; 52 FR 16847, May 6, 1987; 55 FR 30234, July 25, 1990; 57 FR 30131, July 8, 1992; 57 FR 48991, Oct. 29, 1992; 58 FR 44455, Aug. 23, 1993; 58 FR 52237, Oct. 7, 1993; 59 FR 3526, Jan. 24, 1994; 59 FR 66197, Dec. 23, 1994; 60 FR 14370, Mar. 23, 1995; 61 FR 40746, Aug. 6, 1996]

§950.20 State-Federal Cooperative Agreement.

The Governor of the State of Wyoming (State) acting by and through the Department of Environmental Quality, Land Quality Division (Division), and the Secretary of the Department of the Interior (Department) acting by and through the Office of Surface Mining Reclamation and Enforcement (OSMRE), enter into a Cooperative Agreement (Agreement) to read as follows:

ARTICLE I: INTRODUCTION AND PURPOSE

1. This Agreement is authorized by section 523(c) of the Surface Mining Control and Reclamation Act of 1977 (Act), 30 U.S.C. 1273(c), which allows a State with a permanent regulatory program approved under 30 U.S.C. 1253 to elect to enter an Agreement with the Secretary for the regulation and control of surface coal mining and reclamation operations on Federal lands.

This Agreement provides for State regulation of coal exploration operations not subject to 43 CFR parts 3480 through 3487 and surface coal mining and reclamation operations in Wyoming subject to the Federal lands program (30 CFR parts 740 through 746) consistent with the Act, the Wyoming Environmental Quality Act (W.S. 35-11-401-437), and the Wyoming State Program (Program).

2. The purposes of this Agreement are to (a) foster Federal-State cooperation in the